

92^d CONGRESS
1ST SESSION

S. J. RES. 83

IN THE SENATE OF THE UNITED STATES

APRIL 5, 1971

Mr. PROXMIER introduced the following joint resolution; which was read twice
consent was given and referred to the Committee on Armed Services

JOINT RESOLUTION

To provide for a study and investigation of the effectiveness of
the interdiction bombing by the United States in Southeast
Asia.

Whereas the United States has now pursued for more than six
years a policy of seeking through interdiction air strikes
to disrupt and reduce the flow of men and supplies from
North Vietnam to forces associated with that nation else-
where in Southeast Asia; and

Whereas vast human and material resources have been ex-
pended and also destroyed in the pursuit of this policy and
this objective; and

Whereas it has been deemed necessary to supplement these air
strikes with ground incursions into Cambodia and Laos for
the purpose of disrupting and reducing the same flow of
men and supplies; and

Whereas it may be deemed necessary, in the event of increased military activity by North Vietnam and the forces associated with that nation, to increase these air strikes in the future; and

Whereas the costs of such air strikes, the effect of such air strikes on the movement of men and supplies, and the impact of such air strikes on United States casualties both in the air and on the ground have never been comprehensively studied and reported to the American people; and

Whereas a study of these matters, together with an evaluation of other matters affecting the merits of alternative United Southeast Asia and in long-term postwar planning: Now, both in determining future policy of the United States in Southeast Asia and in long-term postwar planning: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 ESTABLISHMENT OF COMMISSION

4 SECTION 1. There is hereby established a commission to
5 be known as the Southeast Asian Interdiction Bombing Sur-
6 vey Commission (hereinafter referred to as the "Commis-
7 sion").

8 MEMBERSHIP OF THE COMMISSION

9 SEC. 2. (a) The Commission shall be composed of fifteen
10 members appointed as follows:

11 (1) three members appointed by the President of

1 the Senate, on the recommendation of the majority
2 leader, two from the membership of the Senate and one
3 from outside the Federal Government;

4 (2) three members appointed by the Speaker of the
5 House of Representatives, two from the membership of
6 the House and one from outside the Federal Government;

7 (3) nine members appointed by the President, at
8 least five of whom shall be from outside the Federal
9 Government.

10 (b) The President shall designate one of the members
11 of the Commission appointed from outside the Federal Gov-
12 ernment to serve as Chairman of the Commission.

13 (c) The member of the Commission appointed by the
14 President of the Senate on the recommendation of the
15 majority leader from outside the Federal Commission shall
16 be Vice Chairman of the Commission, and the member ap-
17 pointed by the Speaker of the House of Representatives
18 from outside the Federal Government shall be Secretary
19 of the Commission.

20 (d) All persons selected for appointment to the Com-
21 mission shall be selected solely on the basis of their knowl-
22 edge, experience, and qualifications to study and investigate
23 the matters with which this joint resolution is concerned
24 and not because they represent or favor any particular point
25 of view with respect to any such matters.

4:

1 (e) Eight members of the Commission shall constitute
2 a quorum.

3 (f) Any vacancy in the Commission shall not affect its
4 powers, but shall be filled in the same manner as the original
5 appointment.

6 DUTIES OF THE COMMISSION

7 SEC. 3. (a) The Commission shall conduct a compre-
8 hensive study and investigation of the effectiveness of the
9 interdiction bombing by the United States military forces
10 in Southeast Asia since February 1965. In carrying out
11 such study and investigation the Commission shall, among
12 other things, specifically consider—

13 (1) the annual cost of such interdiction bombing
14 and the total cost thereof to date, together with an
15 analysis of the constituent elements of such costs, both
16 fixed and incremental;

17 (2) whether such interdiction bombing has been
18 successful in disrupting and reducing the flow of men
19 and supplies from North Vietnam to other areas of
20 Southeast Asia, and if so to what extent;

21 (3) whether the sensor surveillance systems and
22 related devices used by the United States have con-
23 tributed to the effectiveness of such interdiction bomb-
24 ing, and if so to what extent;

25 (4) the ability of North Vietnam and the forces

5

to build associated with that nation to offset the impact of such
interdiction bombing by changes in their logistics
systems;

(5) the degree of dependence of North Vietnamese
and associated forces in South Vietnam on sources of
military supplies from outside South Vietnam;

(6) the impact of such interdiction bombing on
United States military casualties in Southeast Asia,
both in the air and on the ground;

(7) the impact of such interdiction bombing on
Vietnamese and other civilian casualties in Southeast
Asia;

(8) the impact on the cost of such interdiction
bombing, on the effectiveness of such bombing in dis-
rupting and reducing the flow of men and supplies from
North Vietnam to other areas in Southeast Asia and on
Vietnamese and other civilian casualties in Southeast
Asia under each of the following conditions:

(A) if there had been an increase in the in-
tensity and/or scope of such bombing;

(B) if there had been a decrease in the in-
tensity and/or scope of such bombing;

(C) if there had been a change in the precise
military targets and objectives of such bombing;
and

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(D) if there had been a change in the kinds of aircraft and aircraft support forces used in such bombing;

(9) the relative effectiveness of interdiction bombing and alternative actions available to the United States, such as the use of ground combat forces, in disrupting and reducing the flow of men and supplies from North Vietnam to other areas of Southeast Asia; and

(10) the conclusions to be drawn from the use of interdiction bombing by the United States in Southeast Asia that may prove useful in formulating future United States policy in Southeast Asia and in planning for the postwar period.

(b) Within one year after the date of enactment of this Act, the Commission shall submit simultaneously to the President and the Congress a report on the results of its study and investigation, together with such comments and recommendations as it deems appropriate.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Members of the Commission who are Members of Congress or who are officers or employees of the executive branch of the Federal Government shall receive no compensation for their services as members of the Commission, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned

vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Commission, without regard to the provisions of subchapter I, chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(b) The members of the Commission appointed from outside the Federal Government shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing subsection.

POWERS OF THE COMMISSION

Sec. 5: (a) (1) The Commission, or at its discretion any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of

1. the Commission may administer oaths or affirmations to
 2. witnesses appearing before the Commission or before such
 3. subcommittee or member. Subpenas may be issued under the
 4. signature of the Chairman or Vice Chairman and may be
 5. served by any person designated by the Chairman or the
 6. Vice Chairman.

7. (2) In the case of contumacy or refusal to obey a
 8. subpoena issued under paragraph (1) of this subsection by
 9. any person who resides, is found, or transacts business
 10. within the jurisdiction of any district court of the United
 11. States, such court, upon application made by the Attorney
 12. General of the United States, shall have jurisdiction to issue
 13. to such person an order requiring such person to appear
 14. before the Commission or a subcommittee or member there-
 15. of, thereto produce evidence if so ordered, or there to give
 16. testimony touching the matter under inquiry. Any failure
 17. of any such person to obey any such order of the court may
 18. be punished by the court as a contempt thereof.

19. (b) The Commission is authorized to acquire directly
 20. from the head of any Federal department or agency infor-
 21. mation deemed useful in the discharge of its duties. All
 22. departments and agencies of the Government are hereby au-
 23. thorized and directed to cooperate with the Commission and
 24. to furnish all information requested by the Commission to
 25. the extent permitted by law. All such requests shall be

1 made by or in the name of the Chairman or Vice Chairman
2 of the Commission.
3 (c) The Commission shall have power to appoint and
4 fix the compensation of such personnel as it deems advisable
5 without regard to the provisions of title 5, United States
6 Code, governing appointments in the competitive service,
7 and such personnel may be paid without regard to the pro-
8 visions of chapter 51 and subchapter III of chapter 53 of
9 such title relating to classification and General Schedule
10 pay rates, but no individual shall receive compensation at
11 a rate in excess of the maximum rate authorized by the
12 General Schedule. In addition, the Commission may procure
13 the services of experts and consultants in accordance with
14 section 3109 of title 5, United States Code, but at rates for
15 individuals not in excess of \$100 per diem.
16 (d) The Commission is authorized to negotiate and
17 enter into contracts with private organizations and educa-
18 tional institutions to carry out such studies and prepare such
19 reports as the Commission determines are necessary in
20 order to carry out its duties.
21 (e) In providing for its staff under this joint resolution,
22 the Commission shall have a combined civilian military staff.
23 Members of the Armed Forces shall be assigned to assist
24 the Commission with the approval of the Secretary of
25 Defense.

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1 (f) The Secretary of Defense and the Director of the
 2 Central Intelligence Agency shall cooperate with the Com-
 3 mission to the maximum extent possible in making informa-
 4 tion available to the Commission for study and in making
 5 personnel of their respective department and agency avail-
 6 able for questioning. The Secretary of Defense shall also
 7 cooperate with the Commission to the maximum extent pos-
 8 sible by making available for questioning prisoners held by
 9 the South Vietnamese forces and defectors from the North
 10 Vietnamese and associated forces, and by permitting the
 11 Commission and its staff to personally inspect areas before
 12 and after bombing raids and in obtaining its own aerial re-
 13 connaissance of airstrike targets.

14 GOVERNMENT DEPARTMENTS AND AGENCIES AUTHORIZED

15 TO AID COMMISSION

16 SEC. 6. Any department or agency of the Government
 17 is authorized to provide for the Commission such services as
 18 the Commission requests on such basis, reimbursable or
 19 otherwise, as may be agreed between the department or
 20 agency and the Chairman or Vice Chairman. All such re-
 21 quests shall be made by or in the name of the Chairman or
 22 Vice Chairman of the Commission.

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1 TERMINATION OF THE COMMISSION

2 SEC. 7. Thirty days after the submission of the report
3 provided for in section 3 of this joint resolution, the Com-
4 mission shall cease to exist.

5 AUTHORIZATION OF APPROPRIATIONS

6 SEC. 8. There are hereby authorized to be appropriated
7 to the Commission such sums as may be necessary to carry
8 out the provisions of this joint resolution.

20 MAY 1971


Mr. Wilfred H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Rommel:

Chairman John C. Stennis, Senate Armed Services Committee,
has requested a report from this Agency on S. J. Res. 83, a bill "To
provide for a study and investigation of the effectiveness of the inter-
dicted bombing by the United States in Southeast Asia."

Enclosed is a proposed report to the Committee on this legisla-
tion. Advice is requested as to whether the Office of Management and
Budget has objection to the submission of this report.

Sincerely,



John M. Maury
Legislative Counsel

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Enclosure

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OLC/PLC:mmc (19 May 1971)